

**REMARKS**

This amendment is responsive to the Advisory Action of November 5, 2008.

Among other limitations, claim 1 calls for:

means for adaptively controlling the communication of the information about the detected biological signal in accordance with a level of the sensed physical activity as determined by said activity threshold detector.

In the Advisory Action, the Examiner asserts that this clause requires further searching or consideration.

The Examiner effectively concedes that Nolan, as applied against claim 1, does not meet this limitation when she states that this clause will require further search and/or further consideration.

Accordingly, it is submitted that claim 1 and claims 2-13, 15, and 17 dependent therefrom are now in condition for allowance.

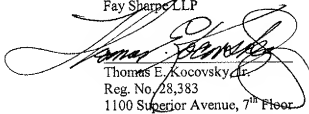
It is submitted that the remaining claims distinguish patentably over the references of record for the reasons set forth in Amendments A and C.

An early allowance of all claims is again requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

Fay Sharpe LLP



Thomas E. Kocovsky Jr.  
Reg. No. 28,383  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, OH 44114-2579  
(216) 861-5582